

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

M. SHANKEN COMMUNICATIONS, INC.,

Plaintiff,

– against –

CIGAR500.COM INC., ANTHONY
MASCIANGELO, AND MONIQUE
MASCIANGELO,

Defendants.

07-Civ.-7371 (JGK)

**DECLARATION OF LISA T.
SIMPSON, ESQ. IN SUPPORT OF
MOTION TO WITHDRAW**

I, Lisa T. Simpson, declare:

1. I am a member of the Bar of this Court and the firm Orrick, Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for defendants Cigar500.com Inc., Anthony Masciangelo, and Monique Masciangelo (collectively, the “Defendants”). I make this declaration pursuant to Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York in support of the accompanying Motion to Withdraw.

2. Orrick has represented the Defendants since the commencement of this suit by service of the Complaint on August 17, 2007. On January 11, 2008, on behalf of Defendants, Orrick filed a motion to dismiss this action in its entirety due to lack of personal jurisdiction over the Defendants and for failure to state a claim with respect to Shanken’s trademark and copyright claims. Shanken filed its opposition to that motion on February 22, 2008. Reply papers are due on March 7, 2008.

3. Defendants have advised that they do not wish for Orrick to prepare and file Reply papers on their behalf. Instead, Defendants Anthony and Monique Masciangelo have

advised that they wish to act *pro se* in this matter going forward, acting both on their own behalf and on behalf of Cigar500.com Inc., if permitted.

4. Mr. Masciangelo has advised that in his *pro se* capacity he intends to file a letter with the Court in Reply to Shanken's Opposition on the Motion to Dismiss. Mr. Masciangelo has also advised that he wishes to join in Shanken's request for oral argument on the motion.

5. Defendants' desire to proceed without counsel going forward is in part financially driven. Defendants continue to owe legal fees and disbursements to Orrick for work completed in 2007, and Defendants do not wish to and cannot afford to incur further legal expenses on this matter. As a result, Orrick and the Defendants have mutually agreed that Orrick shall withdraw as counsel of record.

6. No discovery has occurred to date in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2008, at New York, New York


Lisa T. Simpson